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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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## LEGISLATIVE UPDATE—JUNE 6, 1996

### WEEK IN REVIEW

#### *elections*

Barbara B. League and Lonnie Randolph, Jr. were elected to the Consumer Affairs Commission.

#### HOUSE

#### *conference report adopted*

S. 507 provides that a person applying to operate a private detective business must meet the same qualifications as a person applying to become a private detective. The bill also provides that retired commissioned law enforcement officers may carry weapons. S. 1293 authorizes a crime victim to receive a copy of the incident report pertaining to his case at no cost to the victim. The bill also provides for full restitution for victims for losses and expenses. The Department of Probation, Parole, and Pardon Services would collect these payments for such things as medical services, damages or economic losses, funeral or child care expenses, and vehicle impoundment or transportation costs. Offenders could not be released until restitution fees have been paid in full, usually by the time they have served four-fifths of their sentences. The bill requires that the Department of Probation, Parole, and Pardon Services maintain at least twelve restitution center beds for every 2,500 offenders it supervises. It also allows victims to attend hearings concerning their cases, and authorizes the Attorney General or his designee to attend these hearings. The estimated fiscal impact of this measure is over \$3 million dollars annually. The bill was amended to stipulate that these provisions would be implemented only if there is sufficient funding. H. 3228 provides that both custodial and noncustodial parents are entitled to participate in their children's school activities unless prohibited by a court order. H. 3663 creates an antique motor vehicle dealer license plate for vehicles over thirty years old. The fee will be twenty dollars per tag. H. 3961 and H. 3962 are dual judicial reform bills which enact both constitutional and statutory changes. They provide for a referendum amending the State Constitution in order to establish a ten member Judicial Merit Selection Commission. Five members will be appointed by the House Speaker. Of these five members, three will be lawmakers, while the other two will represent the public. The Senate also will appoint five members--two by the President Pro Tem and three by the Senate Judiciary Chairman. Commission members may not apply for a judgeship for a year after leaving the Commission. The Commission will investigate and review judicial candidates. Only three qualified candidates could be nominated per office. Legislators may only elect a candidate whose name is submitted by the Commission. The measure also increases the minimum age of judges from twenty-six to thirty-two years old, and requires that candidates be licensed at least eight years rather than five. A legislator must be out of the General Assembly for at least one year before applying for a judgeship, or for a year after failing to file for re-election. Vote swapping is prohibited under this measure. Legislators who violate the vote swapping prohibition will be guilty of a misdemeanor. They may be fined up to one thousand dollars (\$1,000) or imprisoned up to



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ninety days. In addition, the bill recodifies sections concerning nonjudicial screening by a joint legislative committee. It also provides that a master-in-equity must be at least thirty-two years old with eight years of experience, rather than twenty-six years old with five years of experience as is the current requirement. **H. 3962** provides for two referendums concerning judicial reform. Voters will determine whether to raise the minimum age of judges to thirty-two years old, and the minimum experience to eight years. A separate question asks whether a Judicial Merit Selection Committee should be created. **H. 4431** establishes a special weighting in the Education Finance Act (EFA) formula to provide additional funding for the needs of autistic students. The measure was amended to authorize an additional home schooling group. Representatives adopted the conference report on **H. 4600**, next fiscal year's \$4.4 billion dollar budget, and **H. 4602**, which spends over \$80 million dollars in capital reserve funds. Lawmakers agreed to spend \$14.1 million dollars for all day kindergarten for at risk five year olds who qualify for the free lunch program. The Department of Juvenile Justice will receive the \$29.9 million dollars requested by Governor David Beasley to address federal mandates easing overcrowding and other conditions. This money will be used to hire additional staff, and to provide alternative treatment programs. Property tax relief is continued at the current level, with the first \$100,000 of a home's value exempted from property taxes. The distribution formula remains unchanged. Teachers and state employees will receive a 3.4% pay raise, beginning October 1, 1996. Meanwhile, corrections officers will get a 12% pay raise. Two-third's of the necessary funds will come from savings achieved by the Department of Corrections. The budget includes \$20 million dollars to install telecommunications equipment in schools. In addition, legislators agreed to increase the tax exemption for parents of children under six years old from \$3,600 to \$4,200, and to begin a three year phase in extending the manufacturer's depreciation rate from 80% to 90%. **H. 4614** enacts the Children's Code Reform Act of 1996. The purpose of this legislation is to revise and speed up the Foster Care process. The proposed legislation requires that a hearing to assure probable cause for removal from the home be held within seventy-two hours after a child is taken into custody, rather than the current ten days. That hearing could be conducted by videoconference or by telephone conference call if necessary. The measure tightens standards for removal from the home by requiring that the child be in "substantial" danger. It authorizes a caseworker, rather than a law enforcement officer, to determine whether a child should be taken into custody. These caseworkers would be provided immunity for that decision as long as it is made in good faith. The bill delays taking the child into actual custody for twenty-four hours so that a preliminary investigation may be made by the Department of Social Services (DSS). An investigation must begin within twenty-four hours after the initial report. A final report must be made within forty-five days, with a single extension of up to fifteen days when necessary. Currently this report is required within sixty days. The measure requires a hearing to determine permanent placement after a child has been in foster care for a year. It also authorizes DSS to create a temporary crisis placement facility where parents may voluntarily place their children for up to seventy-two hours during a family crisis. In addition, the bill provides that a representative of the Guardian Ad Litem program may release case information to the media concerning the program's handling of a specific case. **H. 5041**, concerning sine die, provides that the General Assembly will adjourn on Thursday, May 28, 1996 no later than 8:00 P.M.. The Legislature will reconvene Wednesday, June 12, 1996 and Thursday, June 13, 1996. On these two days, lawmakers may consider uncontested local legislation, conference reports, vetoes, and appointments. They also may ratify acts, and adopt concurrent resolutions expressing sympathy or congratulations. In addition, twenty-three bills were approved for discussion. These include the Rural Development bill, the



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Concealed Weapons bill, and the Public School Facilities Act. After adjourning at 5:00 P.M. on Thursday, June 13, 1996, the General Assembly will convene Wednesday, June 16, 1996 and Thursday, June 17, 1996 for ratification of acts and consideration of vetoes. It then will adjourn no later than 5:00 P.M. on Thursday, June 27, 1996.

### conference committee appointed

Representatives John Felder, Jakie Knotts, and Doug Smith were appointed as conferees on S. 82. The bill originally concerned circumstances under which the granting of bail could have been denied. Representatives gutted the measure to provide instead for a referendum allowing the General Assembly to convene on the second Tuesday in February during odd-numbered years. Senators then amended the bill to provide that legislators could meet in committees for the first thirty days after it convenes on the second Tuesday in January. The Senate also added a referendum allowing the House and Senate to adjourn with consent of the other body for more than three days, as it the current law. The measure also requires that the House give third reading to the budget by March 15th each year rather than March 31st. The session would be extended by a day for each day the budget is not in the Senate. Another Senate amendment provides that candidates elected by the General Assembly must have a majority of votes in both bodies, not just a simple majority of votes. Voters also would determine whether revenue could be used for something other than the stated purpose.

Representatives Tom Keegan, Mark Kelley, and Scott Richardson were appointed as conferees on S. 659. This measure provides that hotels with liquor licenses may establish in each room a locked "hospitality cabinet" containing no more than thirty mini-bottles. Senators amended the measure to provide that accessibility to the cabinet would not limited to specific hours. Another amendment stipulated an alcoholic beverage license may be granted to a business within three hundred feet of a church, school, or playground if in a municipality, or five hundred feet if not, only if a previous business in the same location had possessed such a license. The House further amended the bill to provide that revenue from Sunday Sales permits in Charleston and Berkeley Counties would go into a special redevelopment authority fund, in light of federal base closings there. This revenue could be used for tourist related projects, beach projects, and drainage systems.

Representatives John Felder, Jim Hodges, and Jakie Knotts were appointed as conferees on S. 943. As originally written, the measure provided for a referendum to determine whether a person convicted of a felony, federal law, or election law offense, should be prohibited from being elected as a judge until fifteen years after completion of the sentence. However, Representatives removed that language entirely. Meanwhile, the joint resolution as amended shortens the legislative session. It provides that the General Assembly will adjourn the second Thursday in May, rather than the first Thursday in June. The measure also requires that the House give third reading to the budget by March 15th each year rather than March 31st. If this does not happen, the session would be extended by a day for each day the budget is not in the Senate.

Representatives James Klauber, Gary Simrill, and Jeff Young were appointed as conferees on H. 3730. The measure enacts the "Law Abiding Citizens Self-Defense Act of 1995." Similar legislation has been passed in thirty other states. The measure revises current concealed weapons provisions, and calls for a public referendum to determine whether these provisions should be adopted. The measure: 1) eliminates the business needs based test for approval of permits; 2)



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provides for a four year permit rather than the current two year permit; and 3) expands places where concealed weapons are restricted. It authorizes certain individuals to carry concealed weapons less than twelve inches in circumference or length, and recognizes similar permits issued in other states. To receive a permit, a person first must complete a handgun education course or show proficiency with a handgun. Also, he must submit to a background and fingerprint review for prior criminal history, and pay a fifty dollar (\$50) annual application or renewal fee. The State Law Enforcement Division (SLED) will keep a list of all permit holders. If a person's permit is revoked, he must forfeit the permit or be guilty of a misdemeanor punishable by a fine of twenty-five dollars (\$25). The same is true of a person who fails to notify a law enforcement officer that he is carrying a concealed weapon when asked for identification. A lost permit will cost five dollars (\$5) to replace. Failure to inform SLED of a lost permit is a misdemeanor which carries a twenty-five dollar (\$25) fine and a one year revocation of the permit. The bill also identifies numerous places where concealed weapons would be restricted. Some of those include public buildings, law enforcement facilities, courtrooms, polling places, meetings of governing bodies, schools, churches, daycare facilities, and beaches. Employers would be allowed to prohibit concealed weapons in their establishments. In addition, concealed weapons would not be allowed anywhere posted that they are prohibited. A person carrying a concealed weapon in a restricted area would be guilty of a misdemeanor punishable by a fine of more than one thousand dollars (\$1,000), a sentence of up to one year, or both. A violator's permit may be revoked for five years as well. The measure also provides that a person who carries a gun into a business which sells alcohol is guilty of a misdemeanor punishable by a fine of up to two thousand dollars (\$2,000), a sentence of up to three years, or both. A person carrying a concealed weapon onto school property, except roads, is guilty of a felony punishable by a fine of up to five thousand dollars (\$5,000), a sentence of up to five years, or both.

Representatives Bubba Cromer, Jim Klauber, and John Tucker were appointed as conferees on H. 3845. The bill authorizes the Department of Public Safety to furnish the State Election Commission with jury lists every three years rather than annually, beginning this September. Representatives amended the bill to authorize the State Election Commission to furnish a jury list of registered voters, rather than registered drivers, to county jury commissioners in December of every year.

Representatives Rita Allison, Lanny Littlejohn, and Ron Townsend were appointed as conferees on H. 4431. The bill establishes a special weighting in the Education Finance Act (EFA) formula to provide additional funding for the needs of autistic students. The measure was amended to authorize an additional home schooling group.

Representatives Jakie Knotts, Morgan Martin, and Doug Smith were appointed as conferees on H. 4434. The bill provides that a person's driver's license is permanently revoked after a fifth driving under the influence (DUI) offense, rather than after the third as the House adopted. To apply for a one-time only driver's license reinstatement, a person must have had no violations during the preceding five years, completed a drug treatment program, and paid a fifty dollar (\$50) fee.

Representatives Henry Brown, Herb Kirsh, and Rick Quinn were appointed as conferees on H. 4518. The measure provides for a referendum amending the State Constitution to allow investment in stocks. Currently state and local governments may invest only in fixed income securities, such as bonds and savings accounts. (Investment in the stock market was banned after severe losses during the last century.) While the State Retirement Fund and the State Police Officers Retirement System are currently solvent, both the State Treasurer and an independent



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actuarial report indicate that increasing membership will strain future pension expenditures. This joint resolution allows voters to determine whether state and local governments should broaden their portfolios to include stocks, which are traditionally more volatile and produce greater returns. A Senate amendment provides such investments would be limited to no more than ten per cent of the retirement system's market value. It also creates the five member State Retirement Systems Investment Panel. One member each would be appointed by the Governor, the State Treasurer, the Comptroller General, the House Ways and Means Chairman and the Senate Finance Chairman.

Representatives Rita Allison, Michael Easterday, and Mark Kelley were appointed as conferees on H. 4614. The bill enacts the Children's Code Reform Act of 1996. The purpose of this legislation is to revise and speed up the Foster Care process. The proposed legislation requires that a hearing to assure probable cause for removal from the home be held within seventy-two hours after a child is taken into custody, rather than the current ten days. That hearing could be conducted by videoconference or by telephone conference call if necessary. The measure tightens standards for removal from the home by requiring that the child be in "substantial" danger. It authorizes a caseworker, rather than a law enforcement officer, to determine whether a child should be taken into custody. These caseworkers would be provided immunity for that decision as long as it is made in good faith. The bill delays taking the child into actual custody for twenty-four hours so that a preliminary investigation may be made by the Department of Social Services (DSS). An investigation must begin within twenty-four hours after the initial report. A final report must be made within forty-five days, with a single extension of up to fifteen days when necessary. Currently this report is required within sixty days. The measure requires a hearing to determine permanent placement after a child has been in foster care for a year. It also authorizes DSS to create a temporary crisis placement facility where parents may voluntarily place their children for up to seventy-two hours during a family crisis. In addition, the bill provides that a representative of the Guardian Ad Litem program may release case information to the media concerning the program's handling of a specific case.

Representatives John Felder, Bobby Harrell, and Roland Smith were appointed as conferees on H. 4706, the Rural Development Act, revises the "Enterprise Zone Act" passed last year, and the "Economic Development Industrial Cluster Act," which become law earlier this year. Under the measure, counties are divided into a four tier system-- developed, moderately developed, underdeveloped, and least developed. Greater tax breaks are given to industries locating in least developed and underdeveloped counties which are usually rural. Industries with major investments could negotiate with local governments for lower property taxes, so that they may pay four per cent rather than the current six per cent for a period of twenty-seven years rather than the current twenty years. The bill also creates the Rural Infrastructure Fund to pay for putting in water and sewer, roads, and infrastructure for industries which locate in remote areas of the state. Money for the fund will come from incentives paid by companies in the top two tiers. The Senate amendment also proposes that developed and moderately developed counties have access to up to twenty-five per cent of dollars in the Rural Infrastructure Fund when the fund exceeds \$5 million dollars.

Representatives Ron Fulmer, Alex Harvin, and Larry Koon were appointed as conferees on H. 4796. The bill permits owners of semitrailers to pay a onetime fee of eighty-seven dollars (\$87) in lieu of property taxes and registration. It also requires the Department of Public Safety to assess the value of motor carriers subject to property tax. While the measure would have no immediate fiscal impact, it is estimated that local governments could receive a fifty per cent increase in future property tax revenues from motor carriers. However, the Senate failed to grant conference powers



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to this measure. Also, the bill is not one of those approved for discussion under the sine die proposal.

Representatives Mike Baxley, Doug Jennings, and Jeff Young were appointed as conferees on H. 4803. The bill provides for a referendum to give the State Supreme Court additional power to remove judges. This joint resolution establishes reasons, other than impeachment, that judges may be recalled. These include misconduct in office, breaches of the judicial code of conduct, persistent failure to perform the duties of office, and mental or physical incapacity which seriously affects job performance. Senators amended the bill to provide that the General Assembly is not bound by the Supreme Court's findings in a judicial impeachment proceeding. However, the House refused to accept that amendment.

Representatives Billy Boan, Bobby Harrell, and Doug Smith were appointed as conferees on H. 5041, the sine die legislation. The concurrent resolution provides that the General Assembly will adjourn on Thursday, May 28, 1996 no later than 8:00 P.M.. The Legislature will reconvene Wednesday, June 12, 1996 and Thursday, June 13, 1996. On these two days, lawmakers may consider uncontested local legislation, conference reports, vetoes, and appointments. They also may ratify acts, and adopt concurrent resolutions expressing sympathy or congratulations. In addition, twenty-three bills were approved for discussion. These include the Rural Development bill, the Concealed Weapons bill, and the Public School Facilities Act. After adjourning at 5:00 P.M. on Thursday, June 13, 1996, the General Assembly will convene Wednesday, June 16, 1996 and Thursday, June 17, 1996 for ratification of acts and consideration of vetoes. It then will adjourn no later than 5:00 P.M. on Thursday, June 27, 1996.

### concurrence in Senate amendment, to be ratified

S. 556 approves a referendum to amend the State Constitution so that a person not yet eighteen years old, but who would become eighteen years old before the next general election, would be allowed to vote in that election. Representatives amended the joint resolution to provide that felons may not run for publicly elected office. Senators further provided that a convicted felon may file for these offices fifteen or more years after completion of his sentence. S. 583 provides the statutory change authorizing a person not yet eighteen years old, but who will become eighteen years old before the next election, to register to vote in that election. Representatives had amended the bill to prohibit felons from running for publicly elected offices. However, Senators removed that provision in its entirety. S. 1028 abolishes a municipal election commission in cases where the county election commission has assumed total responsibility for municipal elections. A House amendment stipulates that the municipal election commission cannot be abolished if only part of the responsibilities have been transferred. Senators further amended the bill to expand powers of coastal municipalities in enforcing ordinances and regulations. Currently their powers end at the low-tide mark. Under this proposal, enforcement powers extend to one mile seaward of the high-tide line. H. 3141 authorizes public service districts to fix or change members' compensation and benefits. Reimbursed expenses may not exceed what members of other state boards, committees, and commissions receive. Also, insurance benefits may not exceed those provided for state employees. H. 3269 authorizes a licensed continuing care retirement community that operates a home health agency and a nursing home, to share certain services between these two entities. The measure also exempts the facility from having to obtain a certificate of need prior to licensure under certain circumstances. The Senate amendment provides that the communities



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must be multi-level with skilled nursing facilities. It also prohibits billing in excess of costs as based on Medicare/Medicaid standards. H. 3273 provides that purple heart license plates are permanent, and eliminates the biennial license tag fee. Representatives provided that there is no additional charge for National Guard license plates. These tags will cost the same as regular plates rather than vanity tags. Senators also amended the bill to provide for square dance commemorative license plates and shiner's tags at the vanity rate. H. 3285 authorizes the court to order joint custody when in the best interest of the child. Senators amended the bill to provide that the court may not prohibit a custodial parent from moving within the State unless there is a compelling reason to do so. Representatives further provided that the court could prohibit such an instate move if there is a prior agreement between the parents permitting this prohibition. H. 3447, concerning dangerous animals, provides for surety bonds of at least fifty thousand dollars (\$50,000), as well as liability insurance. The bill also gives law enforcement and animal control officers greater powers to seize and impound dangerous animals. In addition, it provides penalties for a person who raises or trains animals to fight. For a first offense, the violator would be guilty of a misdemeanor punishable by a fine of up to five thousand dollars (\$5,000) or a sentence of not more than three years. A second offense is a felony subject to a fine of not more than ten thousand dollars (\$10,000) and imprisonment of up to five years. H. 3740 revises the Migrant Farm Workers Commission by adding a member to represent migrant or seasonal farm workers, and by changing the name to the Migrant and Seasonal Farm Workers Commission in order to reflect seasonal workers as well. The Senate amendment provides that the pre-occupancy housing inspection program will be carried out only if adequate state funds are available. H. 3992 provides that a fee may not be charged for serving papers in delinquency, dependency, and neglect cases, as well as actions for support for the spouse or dependent children when paid through the court rather than directly. The measure also provides that fees assessed by the Family Court concerning child abuse and neglect cases may be waived if the defendant is unable to pay those fees. Senators amended the bill to provide that the fee may not be charged if the defendant is indigent. H. 4338 permits the Department of Natural Resources to authorize Sunday deer hunting on private property in Game Zones 1, 2, and 4. Senators amended the measure to provide that, in Game Zone 4 only, the Department of Natural Resources may not establish during the season more than two consecutive days where deer hunting is prohibited on private property. Representatives further stipulated that during the two day period deer could not be hunted with modern firearms. This legislation eliminates the two week break after Thanksgiving during which time deer hunting is prohibited in this area. H. 4344 provides for full restitution to victims of juvenile crime by removing the current five hundred dollar (\$500) cap on restitution by a juvenile, if he is financially able to do so. H. 4501, concerning the "Setoff Debt Collection Act," excludes debts owed to a county hospital when the debtor and the hospital have entered into a written agreement which the debtor is fulfilling. H. 4589 increases the maximum penalty for a driver's failure to stop when involved in an accident causing severe injury or death. Currently such an offender is guilty of a misdemeanor subject to a sentence of thirty days to one year, and a fine of one hundred (\$100) to five thousand dollars (\$5,000). These provisions would apply still in cases where severe injury or death does not occur. If serious injury occurs but not death, an offender would be guilty of a felony punishable by a sentence of thirty days to ten years, and a fine of not more than ten thousand dollars (\$10,000). When death results, offenders would be guilty of a felony punishable by a sentence of one to twenty-five years, and a fine of ten to twenty-five thousand dollars (\$10,000-\$25,000). The bill also provides that a driver leaving the scene of an accident with an attended vehicle is guilty of a misdemeanor, and must be imprisoned not more than one year, fined



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one hundred to five hundred dollars (\$100-\$500), or both. H. 4627, concerning public accountants, revises disciplinary actions against certified public accountants and public accountants. These actions include a public reprimand and a fine of up to five hundred dollars (\$500). Also, licenses may be revoked, suspended, or restricted. The House amended the bill to include provisions for real estate agents as well. However, the Senate removed those provisions. H. 4782 shields registered mortgage loan brokers from civil liability for third party violations of the Federal Truth in Lending Act. It also defines "regular business hours" and "satellite office," and establishes provisions for satellite offices and registration fees. A Senate amendment authorizes waiver of appraisal rights in foreclosure actions upon written notification from the defendant. H. 4789 supplements Welfare Reform legislation adopted last year. The measure requires that an applicant for any South Carolina license must provide his social security number. It also authorizes tribunals, the child support enforcement division of the Department of Social Services, to determine parentage and support orders, in addition to the Family Court. Among other things, the tribunals are authorized to order income withholding, place liens on property, and order obligants to get jobs.

### nonconcurrence in Senate amendments, to conference committee

S. 82 originally concerned circumstances under which the granting of bail could be denied. Representatives gutted the measure to provide instead for a referendum allowing the General Assembly to convene on the second Tuesday in February during odd-numbered years. Senators then amended the bill to provide that legislators could meet in committees for the first thirty days after it convenes on the second Tuesday in January. The Senate also added a referendum allowing the House and Senate to adjourn with consent of the other body for more than three days, as it the current law. The measure also requires that the House give third reading to the budget by March 15th each year rather than March 31st. The session would be extended by a day for each day the budget is not in the Senate. Another Senate amendment provides that candidates elected by the General Assembly must have a majority of votes in both bodies, not just a simple majority of votes. Voters also would determine whether revenue could be used for something other than the stated purpose. S. 506 protects contractors from liability claims filed by employers of subcontractors when the subcontractors falsely claim to have workers' compensation insurance. The Senate amendment requires the Uninsured Employers' Fund to assume responsibility for claims within ninety days after determination of responsibility by the State Workers' Compensation Commission. S. 659 provides that hotels with liquor licenses may establish in each room a locked "hospitality cabinet" containing no more than thirty mini-bottles. Senators amended the measure to provide that accessibility to the cabinet would not limited to specific hours. Another amendment stipulated an alcoholic beverage license may be granted to a business within three hundred feet of a church, school, or playground if in a municipality, or five hundred feet if not, only if a previous business in the same location had possessed such a license. The House then amended the bill to provide that revenue from Sunday Sales permits in Charleston and Berkeley Counties would go into a special redevelopment authority fund, in light of federal base closings there. This revenue could be used for tourist related projects, beach projects, and drainage systems. S. 1286 prohibits daycare centers from knowingly hiring a person convicted of a violent or sex crime, as well as certain other offenses. Nor may such a person apply to operate a daycare facility. Such applicants



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would be guilty of a misdemeanor and subject to a fine of up to five thousand dollars (\$5,000), a sentence of not more than one year, or both. The bill also requires that applicants be fingerprinted to determine any criminal history, including anyone at least fifteen years old who lives in a family daycare home. It was amended to include provisions from H. 3300, the Sex Offender Registry bill. The measure authorizes public accessibility to sex offender registries currently available only to law enforcement officials. Governor David Beasley vetoed this earlier bill because of concerns about an amendment which would have decreased the penalty for consensual sex between minors. Currently the sentence is twenty years, but that was decreased to three years under the amendment to that bill. However, the Governor indicated he would approve a sex offender bill if it did not contain the language about teen sex. So lawmakers amended S. 1286 to include the Sex Offender Registry legislation without the provisions for teen sex. H. 3730 enacts the "Law Abiding Citizens Self-Defense Act of 1995." Similar legislation has been passed in thirty other states. The measure revises current concealed weapons provisions, and calls for a public referendum to determine whether these provisions should be adopted. The proposed legislation would allow more South Carolinians to carry concealed weapons (currently there are 2,700 permits), but would limit the places where these weapons would be allowed. The measure: 1) eliminates the business needs based test for approval of permits; 2) provides for a four year permit rather than the current two year permit; and 3) expands places where concealed weapons are restricted. It authorizes certain individuals to carry concealed weapons less than twelve inches in circumference or length, and recognizes similar permits issued in other states. To receive a permit, a person first must complete a handgun education course or show that he can properly handle a gun. He also must submit to a background and fingerprint review for prior criminal history, and pay a fifty dollar (\$50) application or renewal fee. The State Law Enforcement Division (SLED) will keep a list of all permit holders. If a person's permit is revoked, he must forfeit the permit or be guilty of a misdemeanor punishable by a fine of twenty-five dollars (\$25). The same is true of a person who fails to notify a law enforcement officer that he is carrying a concealed weapon when asked for identification. A lost permit will cost five dollars (\$5) to replace. Failure to inform SLED of a lost permit is a misdemeanor which carries a twenty-five dollar (\$25) fine and a one year revocation of the permit. The bill also identifies numerous places where concealed weapons would be restricted. Some of those include public buildings, law enforcement facilities, courtrooms, polling places, government meetings (except those of the General Assembly), medical facilities, schools, churches, daycare facilities, and beaches. Also, concealed weapons would not be allowed anywhere is it posted that they are prohibited. Violators would be guilty of a misdemeanor punishable by a fine of more than one thousand dollars (\$1,000), a sentence of up to one year, or both. A violator's permit may be revoked for five years as well. The measure also provides that a person who carries a gun into a business which sells alcohol is guilty of a misdemeanor punishable by a fine of up to two thousand dollars (\$2,000), a sentence of up to three years, or both. H. 4434 provides that a person's driver's license is permanently revoked after a fifth driving under the influence (DUI) offense, rather than after the third as the House adopted. To apply for a one-time only driver's license reinstatement, a person must have had no violations during the preceding five years, completed a drug treatment program, and paid a fifty dollar (\$50) fee. H. 4518 provides for a referendum amending the State Constitution to allow investment in stocks. Currently state and local governments may invest only in fixed income securities, such as bonds and savings accounts. (Investment in the stock market was banned after severe losses during the last century.) While the State Retirement Fund and the State Police Officers Retirement System are currently solvent, both the State Treasurer and an independent actuarial report indicate that



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increasing membership will strain future pension expenditures. This joint resolution allows voters to determine whether state and local governments should broaden their portfolios to include stocks, which are traditionally more volatile and produce greater returns. The Senate amendment provides such investments would be limited to no more than ten per cent of the retirement system's market value. It also creates the five member State Retirement Systems Investment Panel. One member each would be appointed by the Governor, the State Treasurer, the Comptroller General, the House Ways and Means Chairman and the Senate Finance Chairman. **H. 4614** enacts the Children's Code Reform Act of 1996. The purpose of this legislation is to revise and speed up the Foster Care process. The proposed legislation requires that a hearing to assure probable cause for removal from the home be held within seventy-two hours after a child is taken into custody, rather than the current ten days. That hearing could be conducted by videoconference or by telephone conference call if necessary. The measure tightens standards for removal from the home by requiring that the child be in "substantial" danger. It authorizes a caseworker, rather than a law enforcement officer, to determine whether a child should be taken into custody. These caseworkers would be provided immunity for that decision as long as it is made in good faith. The bill delays taking the child into actual custody for twenty-four hours so that a preliminary investigation may be made by the Department of Social Services (DSS). An investigation must begin within twenty-four hours after the initial report. A final report must be made within forty-five days, with a single extension of up to fifteen days when necessary. Currently this report is required within sixty days. The measure requires a hearing to determine permanent placement after a child has been in foster care for a year. It also authorizes DSS to create a temporary crisis placement facility where parents may voluntarily place their children for up to seventy-two hours during a family crisis. In addition, the bill provides that a representative of the Guardian Ad Litem program may release case information to the media concerning the program's handling of a specific case. **H. 4706**, the Rural Development Act, revises the "Enterprise Zone Act" passed last year, and the "Economic Development Industrial Cluster Act," which become law earlier this year. Under the measure, counties are divided into a four tier system--developed, moderately developed, underdeveloped, and least developed. Greater tax breaks are given to industries locating in least developed and underdeveloped counties which are usually rural. Industries with major investments could negotiate with local governments for lower property taxes, so that they may pay four per cent rather than the current six per cent for a period of twenty-seven years rather than the current twenty years. The bill also creates the Rural Infrastructure Fund to pay for putting in water and sewer, roads, and infrastructure for industries which locate in remote areas of the state. Money for the fund will come from incentives paid by companies in the top two tiers. The Senate amendment also proposes that developed and moderately developed counties have access to up to twenty-five per cent of dollars in the Rural Infrastructure Fund when the fund exceeds \$5 million dollars. **H. 4825** clarifies last session's gas tax bill. The measure provides that licenses are in lieu of other taxes, and that the backup tax applies to alternative fuels as well as gasoline. Also included in the provisions is one which stipulates that a license may be suspended or revoked for failure to comply with deferred payments. **H. 5041**, concerning sine die, provides that the General Assembly will adjourn on Thursday, May 28, 1996 no later than 8:00 P.M.. The Legislature will reconvene Wednesday, June 12, 1996 and Thursday, June 13, 1996. On these two days, lawmakers may consider uncontested local legislation, conference reports, vetoes, and appointments. They also may ratify acts, and adopt concurrent resolutions expressing sympathy or congratulations. In addition, twenty-three bills were approved for discussion. These include the Rural Development bill, the Concealed Weapons bill, and the Public School Facilities



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Act. After adjourning at 5:00 P.M. on Thursday, June 13, 1996, the General Assembly will convene Wednesday, June 16, 1996 and Thursday, June 17, 1996 for ratification of acts and consideration of vetoes. It then will adjourn no later than 5:00 P.M. on Thursday, June 27, 1996.

### nonconcurrence in Senate Amendments, amended, returned to Senate

H. 3116 requires that anyone being towed by a motorized watercraft, such as in waterskiing, must wear a life preserver unless in a tournament or show. However, this provision does not apply to windsurfers, surfboarders, or participants in water ski tournaments and shows. A Senate amendment, similar to provisions of S. 1028, expands powers of coastal municipalities in enforcing ordinances and regulations. Currently their powers end at the low-tide mark. Under this proposal, enforcement powers extend to one mile seaward of the high-tide line. Another amendment prohibits the use of airboats on the Waccamaw, Great and Little Pee Dee, Black, and Sampit Rivers in Georgetown County. The House further stipulated the prohibition would begin one hour before sunset and last until one hour after sunrise. H. 3446, known as the "Hog Farm Bill," as passed by the Senate prohibits new and expanding swine feeding facilities involving more than three thousand (3,000) swine per square mile until the Department of Health and Environmental Control (DHEC) finishes developing stricter regulations and standards for livestock and poultry farms. Currently DHEC is working on such regulations, but they may not be ready until next year. Most hog farms in South Carolina would not be affected by the Senate proposal, since they have fewer than one thousand (1,000) pigs. The House amended the bill to provide strict new regulations. The minimum distance between a hog farm and neighboring property is set at 1,000. Setbacks between lagoons, waste storage ponds, and neighboring property are established at 1,000 to 1,750 feet, depending on the size of the operation. Lagoons and waste storage ponds may be no closer than 500 feet to drinking wells. The same is true for bodies of water when the lagoon is made of concrete. Otherwise lagoons and waste storage ponds generally must be no closer than one-fourth to one-half mile to a body of water. Also, they can be no closer than 2 feet to the watertable. Lagoon size would be limited to four acres, and must be lined with a permeable combination of natural and synthetic materials. The measure requires that hog farm owners notify the Department of Health and Environmental Control and appropriate local officials of any breeches such as linings for lagoons, and minimum setbacks from watertables and other hog farms.

H. 3838, concerning workers' compensation, originally provided for a presumption of total and permanent disability in cases where there is a fifty per cent or more loss of the use of the back. The bill was amended to become a broader revision of workers' compensation laws. It provides that in most cases work-related stress unaccompanied by physical injury is not compensable, and establishes terms under which temporary disability payments may be terminated. Representatives amended the bill to provide that officers of corporations may opt out of the State Worker's Compensation System, and provide their own personal insurance. H. 4012 establishes a special thirty dollar (\$30) license decal for intrastate logging trucks, and specifies acceptable load lengths. A Senate amendment requires the State Highway Patrol to investigate motor carrier accidents. Another authorizes a study of toll roads by the Department of Transportation. This report will be due to the General Assembly by January 1, 1997. Also, Senators approved special license plates for Shriners as well. The House further amended the measure to provide that National Guard license plates will cost the same as regular tags rather than vanity ones. H. 4277 conforms state laws prohibiting employment discrimination with the Federal Americans with Disabilities Act.



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Senators amended the bill to provide for distribution of telecommunications devices for the hearing impaired. Representatives further amended the measure to reauthorize the South Carolina Educational Television network (ETV) in light of sunset provisions. Governor David Beasley vetoed similar legislation, citing concern over the composition and appointment of the Educational Television Commission which was addressed in that bill. However, the Governor indicated he would support a measure to reauthorize ETV which did not contain the other provisions. The amendment simply reauthorizes ETV until July 1, 2003 without any other language. H. 4338 permits the Department of Natural Resources to authorize Sunday deer hunting on private property in Game Zones 1, 2, and 4. Senators amended the measure to provide that, in Game Zone 4 only, the Department of Natural Resources may not establish during the season more than two consecutive days where deer hunting is prohibited on private property. Representatives further stipulated that during the two day period, deer could not be hunted with modern firearms. This legislation eliminates the two week break after Thanksgiving during which time deer hunting is prohibited in this area. H. 4372 provides civil action for injunction relief and monetary awards when the release of reserved water damages property. The Senate amended the bill to provide that owners of small dams shall not be held liable for damages resulting from a natural disaster. In response, the House struck that provision and instead provided that owners of small dams will be held liable for damages due to poor construction, operation, or maintenance. Owners also would be responsible for having adequate spillway control. H. 4796 permits owners of semitrailers and trailers to pay a onetime fee of eighty-seven dollars (\$87) in lieu of property taxes and registration. The bill also requires the Department of Public Safety to assess the value of motor carriers subject to property tax. While the measure would have no immediate fiscal impact, it is estimated that local governments could receive a fifty per cent increase in future property tax revenues from motor carriers. H. 4834 provides numerous revisions to state tax laws. Among other things, the bill authorizes alternative means for signing, and storing returns, as well for submitting payments. It redefines liabilities of innocent spouses where the primary responsibility for the incurred tax rests with the other spouse, and provides a tax exemption for certain medical supplies. Senators amended the bill to eliminate the income tax deduction for Bingo earnings. They also comprehensively overhauled Bingo laws, and provided that property tax on watercraft may be charged when the assessed value is over fifty dollars, rather than fifteen dollars as it is currently. Representatives further amended the measure to provide for a sales tax exemption on disposal fees for batteries, motor oil, new tires, and white goods.

### received third reading, to be ratified

S. 913 is a technical revision updating the reference date where the state annually adopts Internal Revenue Codes. S. 941 promotes Major General T. Eston Marchant to the rank of Lieutenant General of the South Carolina Army National Guard as of January 10, 1995. S. 1049 adds a member as a victim representative to the South Carolina Public Safety Coordinating Council. The additional member would be appointed by the governor for a term of four years. S. 1073 reduces the penalty for preventing a child from attending school. A first offense is subject to a fine of not less than five hundred dollars (\$500), a sentence of not less than thirty days, or both. The current penalty of a fine of not less than one thousand dollars (\$1,000), a sentence of not less than two years, or both, would become the penalty for a second or subsequent offense. S. 1123 provides that a resident of any state may purchase a shotgun or rifle in South Carolina.



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**S. 1213** authorizes a referendum to determine whether to delete the provision that a person may vote only in the precinct of his residence. A separate question on the ballot would ask whether to delete the provision that a person who moves within thirty days of an election must be allowed to vote in the precinct of his former residence.

*received third reading, amended, returned to Senate for concurrence*

**S. 95** originally prohibited a person convicted of a violent crime from participating in the extended work release program. However, Representatives rewrote the bill to address youthful offenders instead. As amended, the measure provides for the temporary transfer of a juvenile offender more than seventeen years old from the Department of Juvenile Justice to the Youthful Offender Division of the Department of Corrections when his presence is detrimental to others in the custody of the Department of Juvenile Justice. An offender transferred in this manner is subject to release by the Board of Juvenile Parole. A youthful offender under twenty-five years old must not have committed a violent crime, such as murder or sexual assault. Permitted offenses include a misdemeanor or lesser felony, such as shoplifting or forgery, which carries a sentence of fifteen years or less. The bill provides that the court may order such a transfer one time only, and that an offender must be placed in the custody of the Department of Corrections if he would not benefit from the Youthful Offender program. The bill also provides similar penalties for pretending to have a deadly weapon, such as a slingshot or razor, during an armed robbery as actually having one. If actually committing armed robbery, an offender pretending to have a weapon would be guilty of a felony punishable by imprisonment of ten to thirty years. If attempting to commit armed robbery while claiming to have a weapon, the offender would be sentenced to not more than twenty years. He would not be eligible for parole until he has served seven years of his sentence. **S. 1216** brings the state into compliance with the federal "Motor Voter" law. It enacts provisions for multiple site voter registration, and specifies designated registration agencies. The fiscal impact of this legislation is estimated to be \$1 million dollars annually. Representatives amended the bill to provide size restrictions for badges worn by candidates at polling places. They also prohibited members of county election or registration boards from being employed by those boards. However, Senators removed the employment prohibition.

*concurrent resolution adopted*

**S. 1432** establishes a six member committee to make recommendations concerning the overhaul of magistrate's court. Three members will be appointed by the Senate Judiciary Chairman, while the other three members will be appointed by the Speaker of the House. This Committee will study the number, location, compensation, and workload of magistrates in each county, as well as the role of magistrates' court in the judicial system. In addition, the committee will examine qualification, education, and certification requirements of magistrates. They will report their findings to the General Assembly at the beginning of the 1997 legislative session.



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### continued

**S. 119** created the Drug Impaired Infants Act. The measure would have allowed physicians to order testing for drug addiction of newborns without the parents consent, and to report positive results to the Department of Health and Environmental Control. It also would have prohibited drug diagnostic treatment or rehabilitative facilities from providing services to a woman solely because she was pregnant. Also, the Act required assessment and intervention measures for substance abuse by pregnant women. **H. 4382** originally concerned a required statement regarding orders for protection from domestic abuse. It made a technical revision reflecting the fine increase from two hundred (\$200) to five hundred (\$500) dollars. However, the Senate amended the measure to require assessment and intervention measures for substance abuse by pregnant women. **H. 4526** originally provided that unauthorized entry into any building in which the General Assembly meets is illegal. The measure included Carolina Plaza where the Legislature meets while the State House is being renovated. Senators amended the bill to authorize an African-American Heritage monument on the State House grounds. The amendment also provided for a study of the feasibility of an African-American History Museum as well. **H. 4584** originally provided that desecration of a war monument or memorial is a misdemeanor punishable by a fine of up to five thousand dollars (\$5,000), a sentence of more than one year, or both. Senators amended the bill to provide for an African-American Heritage monument on the State House grounds. The amendment also provided for a study of the feasibility of an African-American History Museum as well.

### committed/recommitted

**S. 35** created a Privatization Policy Board to determine whether services currently provided by state agencies might be provided more efficiently by the private sector. The measure was recommitted to the Labor, Commerce, and Industry Committee. **S. 72** and **S. 73** were recommitted to the Judiciary Committee. These bills would have constitutionally and statutorily revised divorce laws. Committee amendments provided that a couple may divorce after voluntarily living apart for at least one year. The measure also provided that a divorce may be granted after three years when a couple has been separated due to a person's involuntary confinement in an institution for mental incompetency or imprisonment of at least fifteen years. **S. 1284** also was recommitted to the Judiciary Committee. The bill authorized placement of a child in a secure juvenile detention facility when no suitable alternative exists, or when it is deemed that placement is in the child's best interest or is necessary to protect either the child or the public. It also specified the time frame for review, and expands the circumstances under which the Department of Juvenile Justice may fingerprint and photograph a juvenile.

### recalled

Two bills were recalled from the Judiciary Committee, given third reading, and enrolled for ratification. **S. 1037** reduces the penalty for preventing a child from attending school. A first offense is subject to a fine of not less than five hundred dollars (\$500), a sentence of not less than thirty days, or both. The current penalty of a fine of not less than one thousand dollars (\$1,000),



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a sentence of not less than two years, or both, would become the penalty for a second or subsequent offense. S. 1432 establishes a six member committee to make recommendations concerning the overhaul of magistrate's court. Three members will be appointed by the Senate Judiciary Chairman, while the other three members will be appointed by the Speaker of the House. This Committee will study the number, location, compensation, and workload of magistrates in each county, as well as the role of magistrates' court in the judicial system. In addition, the committee will examine qualification, education, and certification requirements of magistrates. They will report their findings to the General Assembly at the beginning of the 1997 legislative session.

### SENATE

#### conference report adopted, to be ratified

S. 507 provides that a person applying to operate a private detective business must meet the same qualifications as a person applying to become a private detective. The bill also provides that retired commissioned law enforcement officers may carry weapons. S. 1293 authorizes a crime victim to receive a copy of the incident report pertaining to his case at no cost to the victim. The bill also provides for full restitution payments for victims. The Department of Probation, Parole, and Pardon Services would collect these payments for such things as medical services, damages or economic losses, funeral or child care expenses, and vehicle impoundment or transportation costs. Offenders could not be released until restitution fees have been paid in full, usually by the time they have served four-fifths of their sentences. The bill requires that the Department of Probation, Parole, and Pardon Services maintain at least twelve restitution center beds for every 2,500 offenders it supervises. It also allows victims to attend hearings concerning their cases, and authorizes the Attorney General or his designee to attend these hearings. The estimated fiscal impact of this measure is over \$3 million dollars annually. The bill was amended to stipulate that these provisions would be implemented only if there is sufficient funding. H. 3228 provides that both custodial and noncustodial parents are entitled to participate in their children's school activities unless prohibited by a court order. H. 3663 creates an antique motor vehicle dealer license plate, which would cost twenty dollars per tag. The license plate could be used only on a vehicle over thirty years old. H. 3961 and H. 3962 are dual judicial reform bills which enact both constitutional and statutory changes. H. 3961 provides for a referendum amending the State Constitution in order to establish a ten member Judicial Merit Selection Commission. Four of the ten members would not be legislators. Five members will be appointed by the House Speaker. Of these five members, three will be lawmakers, while the other two will represent the public. The Senate also will appoint five members--two by the President Pro Tem and three by the Senate Judiciary Chairman. Commission members could not apply for a judgeship for a year after leaving the Commission. The commission will investigate and review candidates. Only three qualified candidates per office could be nominated. Legislators may elect only a candidate whose name has been submitted by the Commission. The measure also increases the minimum age of judges from twenty-six to thirty-two years old, and requires that candidates be licensed at least eight years rather than five. It provides that a legislator must be out of the General Assembly for at least one



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year before applying for a judgeship, or for a year after failing to file for re-election. Vote swapping would be prohibited. Legislators trading votes would be guilty of a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000) or a sentence of up to ninety days. In addition, the bill recodifies sections concerning nonjudicial screening by a joint legislative committee. It also provides that a master-in-equity must be at least thirty-two years old with eight years of experience, rather than twenty-six years old with five years of experience as is the current requirement. H. 3962 provides for a referendum concerning judicial reform. Voters would determine whether to raise the minimum age of judges to thirty-two years old, and the minimum experience to eight years. A separate question asks whether a Judicial Merit Selection Committee should be created. H. 4431 establishes a special weighting in the Education Finance Act (EFA) formula to provide additional funding for the needs of autistic students. The measure was amended to authorize an additional home schooling group. Representatives adopted the conference report on H. 4600, next fiscal year's \$4.4 billion dollar budget, and H. 4602, which spends over \$80 million dollars in capital reserve funds. Lawmakers agreed to spend \$14 million dollars for all day kindergarten for at risk five year olds who qualify for the free lunch program. The Department of Juvenile Justice will receive the \$29.9 million dollars requested by Governor David Beasley to address federal mandates easing overcrowding and other conditions. This money will be used to hire additional staff, and to provide alternative treatment programs. Property tax relief is continued at the current level, with the first \$100,000 of a home's value exempted from property taxes. The distribution formula remains unchanged. Teachers and state employees will receive a 3.4% pay raise, while corrections officers will get a 12% pay raise. These pay raises will be effective October 1, 1996. Two-third's of the necessary funds will come from savings achieved by the Department of corrections. The plan includes \$20 million dollars to install telecommunications equipment in schools. Legislators also agreed to increase the tax exemption for parents of children under six years old from \$3,600 to \$4,200, and to begin a three year phase in extending the manufacturer's depreciation rate from 80% to 90%. H. 4614 enacts the Children's Code Reform Act of 1996. Its purpose is to revise and speed up the Foster Care process. The proposed legislation requires that a hearing to assure probable cause for removal from the home be held within seventy-two hours after a child is taken into custody, rather than the current ten days. That hearing could be conducted by videoconference or by telephone conference call if necessary. The measure tightens standards for removal from the home by requiring that the child be in "substantial" danger. It authorizes a caseworker, rather than a law enforcement officer, to determine whether a child should be taken into custody. These caseworkers would be provided immunity for that decision as long as it is made in good faith. The bill delays taking the child into actual custody for twenty-four hours so that a preliminary investigation may be made by the Department of Social Services (DSS). An investigation must begin within twenty-four hours after the initial report. A final report must be made within forty-five days, with a single extension of up to fifteen days when necessary. Currently this report is required within sixty days. The measure requires a hearing to determine permanent placement after a child has been in foster care for a year. It also authorizes DSS to create a temporary crisis placement facility where parents may voluntarily place their children for up to seventy-two hours during a family crisis. In addition, the bill provides that a representative of the Guardian Ad Litem program may release case information to the media concerning the program's handling of a specific case. H. 5041, concerning sine die, provides that the General Assembly will adjourn on Thursday, May 28, 1996 no later than 8:00 P.M.. The Legislature will reconvene Wednesday, June 12, 1996 and Thursday, June 13, 1996. On these two days, lawmakers may consider uncontested local legislation, conference reports,



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veto, and appointments. They also may ratify acts, and adopt concurrent resolutions expressing sympathy or congratulations. In addition, twenty-three bills were approved for discussion. These include the Rural Development bill, the Concealed Weapons bill, and the Public School Facilities Act. After adjourning at 5:00 P.M. on Thursday, June 13, 1996, the General Assembly will convene Wednesday, June 16, 1996 and Thursday, June 17, 1996 for ratification of acts and consideration of vetoes. It then will adjourn no later than 5:00 P.M. on Thursday, June 27, 1996.

### conference committee appointed

Senators Glen McConnell, Tom Moore, and John Russell were appointed as conferees on H. 82. The bill originally concerned circumstances under which the granting of bail could be denied. Representatives gutted the measure to provide instead for a referendum allowing the General Assembly to convene on the second Tuesday in February during odd-numbered years. Senators then amended the bill to provide that legislators could meet in committees for the first thirty days after it convenes on the second Tuesday in January. The Senate also added a referendum allowing the House and Senate to adjourn with consent of the other body for more than three days, as it the current law. The measure also requires that the House give third reading to the budget by March 15th each year rather than March 31st. The session would be extended by a day for each day the budget is not in the Senate. Another Senate amendment provides that candidates elected by the General Assembly must have a majority of votes in both bodies, not just a simple majority of votes. Voters also would determine whether revenue could be used for something other than the stated purpose.

Senators Holly Cork, Yancey McGill, and Luke Rankin were appointed as conferees on S. 659. This measure provides that hotels with liquor licenses may establish in each room a locked "hospitality cabinet" containing no more than thirty mini-bottles. Senators amended the measure to provide that accessibility to the cabinet would not limited to specific hours. Another amendment stipulated an alcoholic beverage license may be granted to a business within three hundred feet of a church, school, or playground if in a municipality, or five hundred feet if not, only if a previous business in the same location had possessed such a license. The House further amended the bill to provide that revenue from Sunday Sales permits in Charleston and Berkeley Counties would go into a special redevelopment authority fund, in light of federal base closings there. This revenue could be used for tourist related projects, beach projects, and drainage systems.

Senators James Bryan, Tyrone Courtney, and Harvey Peeler were appointed as conferees on H. 3730. The bill enacts the "Law Abiding Citizens Self-Defense Act of 1995." Similar legislation has been passed in thirty other states. The measure revises current concealed weapons provisions, and calls for a public referendum to determine whether these provisions should be adopted. The proposed legislation would allow more South Carolinians to carry concealed weapons (currently there are 2,700 permits), but would limit the places where these weapons would be allowed. The measure: 1) eliminates the business needs based test for approval of permits; 2) provides for a four year permit rather than the current two year permit; and 3) expands places where concealed weapons are restricted. It authorizes certain individuals to carry concealed weapons less than twelve inches in circumference or length, and recognizes similar permits issued in other states. To receive a permit, a person first must complete a handgun education course or show that he can properly handle a gun. He also must submit to a background and fingerprint review for prior criminal history, and pay a fifty dollar (\$50) application or renewal fee. The State



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Law Enforcement Division (SLED) will keep a list of all permit holders. If a person's permit is revoked, he must forfeit the permit or be guilty of a misdemeanor punishable by a fine of twenty-five dollars (\$25). The same is true of a person who fails to notify a law enforcement officer that he is carrying a concealed weapon when asked for identification. A lost permit will cost five dollars (\$5) to replace. Failure to inform SLED of a lost permit is a misdemeanor which carries a twenty-five dollar (\$25) fine and a one year revocation of the permit. The bill also stipulates numerous places where concealed weapons would be restricted. Some of those include public buildings, law enforcement facilities, courtrooms, polling places, government meetings (except those of the General Assembly), medical facilities, schools, churches, daycare facilities, and beaches. Also, concealed weapons will not be allowed anywhere it is posted that they are prohibited. Violators would be guilty of a misdemeanor punishable by a fine of more than one thousand dollars (\$1,000), a sentence of up to one year, or both. His permit may be revoked for five years as well. The measure also provides that a person who carries a gun into a business which sells alcohol is guilty of a misdemeanor punishable by a fine of up to two thousand dollars (\$2,000), a sentence of up to three years, or both.

Senators Holly Cork, Tom Moore, and Ed Saleeby were appointed as conferees on H. 3845. The bill authorizes the Department of Public Safety to furnish the State Election Commission with jury lists every three years rather than annually, beginning this September. Representatives amended the bill to authorize the State Election Commission to furnish a jury list of registered voters, rather than registered drivers, to county jury commissioners in December of every year.

Senators Greg Gregory, Mike Fair, and Linda Short were appointed as conferees on H. 4431. The bill establishes a special weighting in the Education Finance Act (EFA) formula to provide additional funding for the needs of autistic students. Senators amended the measure concerning home schooling.

Senators Tyrone Courtney, Wes Hayes, and Don Holland were appointed as conferees on H. 4434. The bill provides that a person's driver's license is permanently revoked after a fifth driving under the influence (DUI) offense, rather than after the third as the House adopted. To apply for a one-time only driver's license reinstatement, a person must have had no violations during the preceding five years, completed a drug treatment program, and paid a fifty dollar (\$50) fee.

Senators John Drummond, Darrell Jackson, and David Thomas were appointed as conferees on H. 4518. The measure provides for a referendum amending the State Constitution to allow investment in stocks. Currently state and local governments may invest only in fixed income securities, such as bonds and savings accounts. (Investment in the stock market was banned after severe losses during the last century.) While the State Retirement Fund and the State Police Officers Retirement System are currently solvent, both the State Treasurer and an independent actuarial report indicate that increasing membership will strain future pension expenditures. This joint resolution allows voters to determine whether state and local governments should broaden their portfolios to include stocks, which are traditionally more volatile and produce greater returns. The Senate amendment provides such investments would be limited to no more than ten per cent of the retirement system's market value. It also creates the five member State Retirement Systems Investment Panel. One member each would be appointed by the Governor, the State Treasurer, the Comptroller General, the House Ways and Means Chairman and the Senate Finance Chairman.

Senators Mike Fair, Tom Moore, and Larry Richter were appointed as conferees on



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**H. 4614.** The bill enacts the Children's Code Reform Act of 1996. The purpose of this legislation is to revise and speed up the Foster Care process. The proposed legislation requires that a hearing to assure probable cause for removal from the home be held within seventy-two hours after a child is taken into custody, rather than the current ten days. That hearing could be conducted by videoconference or by telephone conference call if necessary. The measure tightens standards for removal from the home by requiring that the child be in "substantial" danger. It authorizes a caseworker, rather than a law enforcement officer, to determine whether a child should be taken into custody. These caseworkers would be provided immunity for that decision as long as it is made in good faith. The bill delays taking the child into actual custody for twenty-four hours so that a preliminary investigation may be made by the Department of Social Services (DSS). An investigation must begin within twenty-four hours after the initial report. A final report must be made within forty-five days, with a single extension of up to fifteen days when necessary. Currently this report is required within sixty days. The measure requires a hearing to determine permanent placement after a child has been in foster care for a year. It also authorizes DSS to create a temporary crisis placement facility where parents may voluntarily place their children for up to seventy-two hours during a family crisis. In addition, the bill provides that a representative of the Guardian Ad Litem program may release case information to the media concerning the program's handling of a specific case.

Senators Hugh Leatherman, Phil Leventis, and John Matthews were appointed as conferees on **H. 4706**, the Rural Development Act. The bill revises the "Enterprise Zone Act" passed last year, and the "Economic Development Industrial Cluster Act," which became law earlier this year. Under the measure, counties are divided into a four tier system-- developed, moderately developed, underdeveloped, and least developed. Greater tax breaks are given to industries locating in least developed and underdeveloped counties which are usually rural. Industries with major investments could negotiate with local governments for lower property taxes, so that they may pay four per cent rather than the current six per cent for a period of twenty-seven years rather than the current twenty years. The bill also creates the Rural Infrastructure Fund to pay for putting in water and sewer, roads, and infrastructure for industries which locate in remote areas of the state. Money for the fund will come from incentives paid by companies in the top two tiers. The Senate amendment also proposes that developed and moderately developed counties have access to up to twenty-five per cent of dollars in the Rural Infrastructure Fund when the fund exceeds \$5 million dollars.

Senators Glen McConnell, Luke Rankin, and John Russell were appointed as conferees on **H. 4803**. The bill provides for a referendum to give the State Supreme Court additional power to remove judges. This joint resolution establishes reasons, other than impeachment, that judges may be recalled. These include misconduct in office, breaches of the judicial code of conduct, persistent failure to perform the duties of office, and mental or physical incapacity which seriously affects job performance. Senators amended the bill to provide that the General Assembly is not bound by the Supreme Court's findings in a judicial impeachment proceeding. However, the House refused to accept that amendment.

Senators Don Holland, Glen McConnell, and Tom Moore were appointed as conferees on **H. 5041**. Concerning sine die, the bill provides that the General Assembly will adjourn on Thursday, May 28, 1996 no later than 8:00 P.M.. The Legislature will reconvene Wednesday, June 12, 1996 and Thursday, June 13, 1996. On these two days, lawmakers may consider uncontested local legislation, conference reports, vetoes, and appointments. They also may ratify acts, and adopt concurrent resolutions expressing sympathy or congratulations. In addition,



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twenty-three bills were approved for discussion. These include the Rural Development bill, the Concealed Weapons bill, and the Public School Facilities Act. After adjourning at 5:00 P.M. on Thursday, June 13, 1996, the General Assembly will convene Wednesday, June 16, 1996 and Thursday, June 17, 1996 for ratification of acts and consideration of vetoes. It then will adjourn no later than 5:00 P.M. on Thursday, June 27, 1996.

### concurrence in House amendments, to be ratified

S. 62 provides that an inmate who escapes or attempts to escape from custody may not serve the remainder of his sentence or any additional sentence in a minimum security facility. Representatives amended the bill to provide that such an inmate may receive an additional sentence of up to fifteen years, rather than the current five years. This additional sentence would be served consecutively to other sentences. S. 95 originally prohibited a person convicted of a violent crime from participating in the extended work release program. However, Representatives rewrote the bill to address youthful offenders instead. As amended, the measure provides for the temporary transfer of a juvenile offender more than seventeen years old from the Department of Juvenile Justice to the Youthful Offender Division of the Department of Corrections when his presence is detrimental to others in the custody of the Department of Juvenile Justice. An offender transferred in this manner is subject to release by the Board of Juvenile Parole. A youthful offender under twenty-five years old must not have committed a violent crime, such as murder or sexual assault. Permitted offenses include a misdemeanor or lesser felony, such as shoplifting or forgery, which carries a sentence of fifteen years or less. The bill provides that the court may order such a transfer one time only, and that an offender must be placed in the custody of the Department of Corrections if he would not benefit from the Youthful Offender program. The bill also provides similar penalties for pretending to have a deadly weapon, such as a slingshot or razor, during an armed robbery as actually having one. If actually committing armed robbery, an offender pretending to have a weapon would be guilty of a felony punishable by imprisonment of ten to thirty years. If attempting to commit armed robbery while claiming to have a weapon, the offender would be sentenced to not more than twenty years. He would not be eligible for parole until he has served seven years of his sentence. S. 506 protects contractors from liability claims filed by employers of subcontractors when the subcontractors falsely claim to have workers' compensation insurance. The Senate amendment requires the Uninsured Employers' Fund to assume responsibility for claims within ninety days after determination of responsibility by the State Workers' Compensation Commission. S. 1102, concerning absentee ballots, authorizes handicapped and illiterate voters to make their marks on ballots. Originally the bill provided that the absence of the witness' address on the envelope was not grounds for challenging the ballot. However, the House deleted that provision. S. 1286 prohibits daycare centers from knowingly hiring a person convicted of a violent or sex crime, as well as certain other offenses. Nor may such a person apply to operate a daycare facility. Such applicants would be guilty of a misdemeanor and subject to a fine of up to five thousand dollars (\$5,000), a sentence of not more than one year, or both. The bill also requires that applicants be fingerprinted to determine any criminal history, including anyone at least fifteen years old who lives in a family daycare home. It was amended to include provisions from H. 3300, the Sex Offender Registry bill. The measure authorizes public accessibility to sex offender registries currently available only to law enforcement officials. Governor David Beasley vetoed this earlier bill because of concerns about an amendment which



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would have decreased the penalty for consensual sex between minors. Currently the sentence is twenty years, but that was decreased to three years under the amendment to that bill. However, the Governor indicated he would approve a sex offender bill if it did not contain the language about teen sex. So lawmakers amended S. 1286 to include the Sex Offender Registry legislation without the provisions for teen sex. H. 3116 requires that anyone being towed by a motorized watercraft, such as in waterskiing, must wear a life preserver unless in a tournament or show. However, this provision does not apply to windsurfers, surfboarders, or participants in water ski tournaments and shows. A Senate amendment, similar to provisions of S. 1028, expands powers of coastal municipalities in enforcing ordinances and regulations. Currently their powers end at the low-tide mark. Under this proposal, enforcement powers extend to one mile seaward of the high-tide line. Another amendment prohibits the use of airboats on the Waccamaw, Great and Little Pee Dee, Black, and Sampit Rivers in Georgetown County. The House further stipulated the prohibition would begin one hour before sunset and last until one hour after sunrise. H. 3273 provides that purple heart license plates are permanent, and eliminates the biennial license tag fee. Representatives also provided that there is no additional charge for National Guard license plates. The fee will be the same as regular plates, rather than vanity tags. Senators then amended the bill to provide for square dance commemorative license plates and shriners' tags. H. 3285 authorizes the court to order joint custody when in the best interest of the child. Senators amended the bill to provide that the court may not prohibit a custodial parent from moving within the State unless there is a compelling reason to do so. Representatives further provided that the court could prohibit such an instate move if there is a prior agreement between the parents permitting this prohibition. H. 3838, concerning workers' compensation, originally provided for a presumption of total and permanent disability in cases where there is a fifty per cent or more loss of the use of the back. The bill was amended to become a broader revision of workers' compensation laws. It provides that in most cases work-related stress unaccompanied by physical injury is not compensable, and establishes terms under which temporary disability payments may be terminated. Representatives amended the bill to provide that officers of corporations may opt out of the State Worker's Compensation System, and provide their own personal insurance. H. 4012 establishes a special thirty dollar (\$30) license decal for intrastate logging trucks, and specifies acceptable load lengths. A Senate amendment requires the State Highway Patrol to investigate motor carrier accidents. Another authorizes a study of toll roads by the Department of Transportation. This report will be made to the General Assembly by January 1, 1997. Also, special license plates for Shriners were approved as well. The House further amended the measure to provide that National Guard license plates will cost the same as regular tags rather than vanity ones. H. 4277 conforms state laws prohibiting employment discrimination with the Federal Americans with Disabilities Act. The bill was amended by the Senate to provide for distribution of telecommunications devices for the hearing impaired. Representatives further amended the measure to reauthorize the South Carolina Educational Television network (ETV) which faced sunset provisions. Governor David Beasley vetoed similar legislation, citing concern over the composition and appointment of the Educational Television Commission. However, the Governor indicated he would support a measure to reauthorize ETV which did not contain the other provisions. The amendment simply reauthorizes ETV until July 1, 2003 without any other language. H. 4338 permits the Department of Natural Resources to authorize Sunday deer hunting on private property in Game Zones 1, 2, and 4. Senators amended the measure to provide that, in Game Zone 4 only, the Department of Natural Resources may not establish during the season more than two consecutive days where deer hunting is prohibited on private property.



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Representatives further stipulated that during that two day period deer could not be hunted with modern firearms. This legislation eliminates the two week break after Thanksgiving during which time deer hunting is prohibited in this area. H. 4663 provides that the granting of bail is discretionary in most cases. However, bail would continue to be prohibited for offenders serving life or death sentences, or serving sentences longer than ten years. Senators amended the bill to address alienation of affection litigation and to provide for just cause. However, the House removed much of that language. H. 4834 provides numerous revisions to state tax laws. Among other things, the bill authorizes alternative means for signing, and storing returns, as well for submitting payments. It redefines liabilities of innocent spouses where the primary responsibility for the incurred tax rests with the other spouse, and provides a tax exemption for certain medical supplies. Senators amended the bill to eliminate the income tax deduction for Bingo earnings. They also comprehensively overhauled Bingo laws, and provided that property tax on watercraft may be charged when the assessed value is over fifty dollars, rather than fifteen dollars as it is currently. Representatives further amended the measure to provide for a sales tax exemption on disposal fees for batteries, motor oil, new tires, and white goods.

### nonconcurrence in House amendments, to conference committee

H. 3446, known as the "Hog Farm Bill," as passed by the Senate prohibits new and expanding swine feeding facilities involving more than three thousand (3,000) swine per square mile until the Department of Health and Environmental Control (DHEC) finishes developing stricter regulations and standards for livestock and poultry farms. Currently DHEC is working on such regulations, but they may not be ready until next year. Most hog farms in South Carolina would not be affected by the Senate proposal, since they have fewer than one thousand (1,000) pigs. The House amended the bill to provide strict new regulations. The minimum distance between a hog farm and neighboring property is set at 1,000. Setbacks between lagoons, waste storage ponds, and neighboring property are established at 1,000 to 1,750 feet, depending on the size of the operation. Lagoons and waste storage ponds may be no closer than 500 feet to drinking wells. The same is true for bodies of water when the lagoon is made of concrete. Otherwise lagoons and waste storage ponds generally must be no closer than one-fourth to one-half mile to a body of water. Also, they can be no closer than 2 feet to the watertable. Lagoon size would be limited to four acres, and must be lined with a permeable combination of natural and synthetic materials. The measure requires that hog farm owners notify the Department of Health and Environmental Control and appropriate local officials of any breeches such as linings for lagoons, and minimum setbacks from watertables and other hog farms. H. 3845 authorizes the Department of Public Safety to furnish the State Election Commission with jury lists every three years rather than annually, beginning this September. Representatives amended the bill to authorize the State Election Commission to furnish a jury list of registered voters, rather than registered drivers, to county jury commissioners in December of every year. H. 4796 permits owners of semitrailers to pay a onetime fee of eighty-seven dollars (\$87) in lieu of property taxes and registration. The bill also requires the Department of Public Safety to assess the value of motor carriers subject to property tax. While the measure would have no immediate fiscal impact, it is estimated that local governments could receive a fifty per cent increase in future property tax revenues from motor carriers.



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### nonconcurrence in House amendments, amended, returned to House

S. 506 protects contractors from liability claims filed by employers of subcontractors when the subcontractors falsely claim to have workers' compensation insurance. The Senate amendment requires the Uninsured Employers' Fund to assume responsibility for claims within ninety days after determination of responsibility by the State Workers' Compensation Commission. S. 556 approves a referendum to amend the State Constitution in order to allow a person not yet eighteen years old, but who would become eighteen years old before the next general election, to register to vote in that election. Representatives amended the joint resolution to provide that felons may not run for a publicly elected office. Senators further provided that a convicted felon may file for a publicly elected office fifteen or more years after completion of his sentence. S. 583 provides the statutory change authorizing a person not yet eighteen years old, but who will become eighteen years old before the next election, to register to vote. Representatives had amended the bill to prohibit felons from running for public office. However, Senators removed that provision in its entirety. S. 659 provides that hotels with liquor licenses may establish in each room a locked "hospitality cabinet" containing no more than thirty mini-bottles. Senators amended the measure to provide that accessibility to the cabinet would not be limited to specific hours. Another amendment stipulated that an alcoholic beverage license may be granted if the business is within three hundred feet of a church, school, or playground if in a municipality, or five hundred feet if not, only if a prior business in the same location possessed such a license. In response, the House amended the bill to provide that revenue from Sunday Sales permits in Charleston and Berkeley Counties would go into a special redevelopment authority fund, in light of federal base closings there. This revenue could be used for tourist related projects, beach projects, and drainage systems. S. 1216 brings the state into compliance with the federal "Motor Voter" law. It enacts provisions for multiple site voter registration, and specifies designated registration agencies. The fiscal impact of this legislation is estimated to be \$1 million dollars annually. Representatives amended the bill to provide size restrictions for badges worn by candidates at polling places. They also prohibited members of county election or registration boards from being employed by those boards. However, Senators removed the employment prohibition. H. 3273 provides that purple heart license plates are permanent, and eliminates the biennial license tag fee. Senators amended the bill to provide for square dance commemorative license plates, also.

### received third reading, to be ratified

H. 3182 requires counseling and written consent from next-of-kin before body parts may be removed to be used for organ or tissue donation. Otherwise body parts could be removed only to determine cause of death. H. 3314 prohibits a member of the State Election Commission from involvement of any kind in any campaign. Violators may be removed by the Governor. H. 3879 gives Natural Resources Officers statewide police power, which may be restricted by the Director of the Department of Natural Resources. H. 4101 authorizes a referendum to approve an assessment on marketed tobacco in order to fund tobacco production research coordinated by a marketing board. Currently tobacco is the only commodity in the state which has no marketing board. The referendum would be held only in tobacco producing counties with voting only by individual flu-cured tobacco growers. The assessment would be collected only for four years and paid only by tobacco growers. Subsequent referendums would be needed to continue assessment.



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Failed referendums could not be reattempted for at least one year. The measure also provides for refunds of assessments and written quarterly reports from those receiving funds. H. 4699 defines "rollback millage" by providing a formula for its determination as it relates to the Homestead Exemption from school operating taxes. Millage is derived by dividing the prior year's property tax revenues by the adjusted total assessed value. H. 4717 defines "structural fill" and restricts local governments from regulating these facilities. Also, the measure authorizes the Department of Health and Environmental Control (DHEC) to issue permits for short term structural fills operating less than twelve months. H. 5027 approves a regulation of the Department of Labor, Licensing, and Regulation which requires continuing education of professional engineers and land surveyors for license renewal.

### received third reading, amended, returned to House

H. 3141 authorizes public service districts to fix or change members' compensation and other benefits. Reimbursed expenses may not exceed what members of other state boards, committees, and commissions receive. Also, insurance benefits may not exceed those provided for state employees. The Senate amendment removed the current thirty-five dollar (\$35) per diem cap. H. 3198 requires handicapped parking signs erected after January 1, 1997 to reflect the two hundred dollar (\$200) fine for unlawful use. H. 3201 authorizes local school boards to make school district facilities smoke free. The bill also revises fines for providing tobacco to a minor. For a first offense, violators would be subject to a fine of up to twenty-five dollars (\$25). The maximum fine for a second offense would be fifty dollars (\$50), and subsequent offenses could be fined up to one hundred dollars (\$100). The latter offense also is subject to imprisonment of sixty days to one year. H. 4443 enacts the "South Carolina Charter School Act." The measure allows the formation of a charter school defined as a public, nonsectarian, nonreligious, non-homebased, nonprofit, school accountable to the local school board. A charter school is governed by a charter committee which acts as a board of directors for the nonprofit corporation and is elected annually by parents and teachers. While operating within a public school district and receiving all appropriate state and federal funds, a charter school is positioned to offer innovation insofar as it is: (1) fiscally autonomous, (2) permitted to fill up to 10% of its teaching positions with non-certified instructors, and (3) freed from all State Department of Education regulations save for those pertaining to health, safety, civil rights, and disability rights. A charter school must admit all students who are eligible to attend public school in the district. Slots are filled by lot if applications exceed available space. Priority may be given to children of charter school employees and those students already enrolled in a school which converts to charter status as well as siblings of those students. Charter schools would establish themselves by one of two routes. An existing school within a district may convert to a charter school with the approval of 25% of the instructional staff and 25% of parents. Otherwise, any group of interested citizens which can muster the required parent and teacher support may apply to a local school board for the formation of a new charter school. Whether converted or newly-formed, sponsors of a charter school must submit to the local school board an application detailing the goals of the school as well as a plan for meeting transportation needs of students. The local school board decides whether approval of the proposed charter is in the best interest of the district as a whole. All approved charters must be renewed every three years at least. The local school board may refuse to renew or revoke a charter if the board determines that the charter school is not making reasonable progress towards its stated goals,



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demonstrates fiscal mismanagement, or fails to comply with those laws from which it is not exempt. H. 4469 enacts the "South Carolina Effective Death Penalty Act of 1996." The bill limits the appeals process and empowers the governor to set execution dates rather than the state Supreme Court. Deadlines would be set for filing post-conviction death penalty relief appeals. Prosecutors would have thirty days to answer an appeal rather than the current ninety days. Fifteen days later, a status conference would have to be held. A hearing would be scheduled forty-five days after the conference, with a judge's ruling required within thirty days of the hearing. H. 4501, concerning the "Setoff Debt Collection Act," excludes debts owed to a county hospital when the debtor and the hospital have entered into a written agreement which the debtor is fulfilling. H. 4518 provides for a referendum amending the State Constitution to allow investment in stocks. Currently state and local governments may invest only in fixed income securities, such as bonds and savings accounts. (Investment in the stock market was banned after severe losses during the last century.) While the State Retirement Fund and the State Police Officers Retirement System are currently solvent, both the State Treasurer and an independent actuarial report indicate that increasing membership will strain future pension expenditures. This joint resolution allows voters to determine whether state and local governments should broaden their portfolios to include stocks, which are traditionally more volatile and produce greater returns. The Senate amendment provides such investments would be limited to no more than ten per cent of the retirement system's market value. It also creates the five member State Retirement Systems Investment Panel. One member each would be appointed by the Governor, the State Treasurer, the Comptroller General, the House Ways and Means Chairman and the Senate Finance Chairman. H. 4557 enacts stronger control over Bingo operations in the state, while providing that Bingo winnings would not be subject to state withholding taxes. Promoters are limited to five licenses, all the same class. Fees would vary according to the amount of revenue a promoter expected to collect. Also, manufacturers and distributors would be licensed. The bill is estimated to bring in an additional \$7 million dollars annually in taxes if passed. H. 4706, the Rural Development Act, revises the "Enterprise Zone Act" passed last year, and the "Economic Development Industrial Cluster Act," which become law earlier this year. Under the measure, counties are divided into a four tier system-- developed, moderately developed, underdeveloped, and least developed. Greater tax breaks are given to industries locating in least developed and underdeveloped counties which are usually rural. Industries with major investments could negotiate with local governments for lower property taxes, so that they may pay four per cent rather than the current six per cent for a period of twenty-seven years rather than the current twenty years. The bill also creates the Rural Infrastructure Fund to pay for putting in water and sewer, roads, and infrastructure for industries which locate in remote areas of the state. Money for the fund will come from incentives paid by companies in the top two tiers. The Senate amendment also proposes that developed and moderately developed counties have access to up to twenty-five per cent of dollars in the Rural Infrastructure Fund when the fund exceeds \$5 million dollars. H. 4755 revises Workers' Compensation laws in the state. It requires that all employers participate in the state system, and does not provide for opting out. The proposed legislation gives employers greater ability to stop temporary payments, and limits compensation for occupational stress. The bill also prevents healthcare providers from harassing workers for payment of bills. It provides the State Insurance Department with greater control over the assigned risk plan for workers' compensation insurance, and requires that the Director give prior approval to the assigned risk, and provides for competitive bidding of the assigned risk pool. The Senate amendment provides that the carrier for the state workers' compensation system must be bid competitively. H. 4782 shields registered mortgage



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loan brokers from civil liability for third party violations of the Federal Truth in Lending Act. It also defines "regular business hours" and "satellite office," and establishes provisions for satellite offices and registration fees. The Senate amendment authorizes waiver of appraisal rights in foreclosure actions upon written notification from the defendant. **H. 4825** clarifies last session's gas tax bill. The measure provides that licenses are in lieu of other taxes, and that the backup tax applies to alternative fuels as well as gasoline. Also included in the provisions is one which stipulates that a license may be suspended or revoked for failure to comply with deferred payments. **H. 4833** updates the Procedures Act of 1995 to comply with current provisions. It conforms the statute of limitations on gas tax to make it consistent with other taxes, and clarifies provisions relating to unclaimed property and jeopardy assessments. Also, the measure extends time constraints for protest and filing periods. Senators amended the bill to provide a fifty acre cap on tax exempt property rehabilitated by charitable organizations, rather than the current fifteen. They also created a Highway Construction Debt Service Fund used only to defray costs of highway construction bonds. **H. 5041**, concerning sine die, provides that the General Assembly will adjourn on Thursday, May 28, 1996 no later than 8:00 P.M.. The Legislature will reconvene Wednesday, June 12, 1996 and Thursday, June 13, 1996. On these two days, lawmakers may consider uncontested local legislation, conference reports, vetoes, and appointments. They also may ratify acts, and adopt concurrent resolutions expressing sympathy or congratulations. In addition, twenty-three bills were approved for discussion. These include the Rural Development bill, the Concealed Weapons bill, and the Public School Facilities Act. After adjourning at 5:00 P.M. on Thursday, June 13, 1996, the General Assembly will convene Wednesday, June 16, 1996 and Thursday, June 17, 1996 for ratification of acts and consideration of vetoes. It then will adjourn no later than 5:00 P.M. on Thursday, June 27, 1996.

### received third reading, sent to the House

**S. 962** enacts the "Child Bicycle Safety Act." The measure requires that a child under sixteen years old must wear a safety helmet when either operating or as a passenger on a bicycle. A child under forty pounds or forty inches tall must be placed in a restraining seat or trailer towed behind the bicycle. Failure to do so would not constitute negligence on the part of the parent, but a parent would be guilty of a misdemeanor which carries a thirty dollar (\$30) fine. These fines would be placed in the "Bicycle Safety Fund," which is established in the bill. It also provides safety programs and assistance to low income families who cannot afford to purchase helmets.

### concurrent resolution adopted

**S. 1432** establishes a six member committee to make recommendations concerning the overhaul of magistrate's court. Three members will be appointed by the Senate Judiciary Chairman, while the other three members will be appointed by the Speaker of the House. This Committee will study the number, location, compensation, and workload of magistrates in each county, as well as the role of magistrates' court in the judicial system. In addition, the committee will examine qualification, education, and certification requirements of magistrates. They will report their findings to the General Assembly at the beginning of the 1997 legislative session.



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### received second reading

H. 4704 creates the Mid-Carolina Commission for Higher Education to replace the Sumter County Commission for Higher Education. The purpose of this Committee is to encourage establishment of post-secondary courses in Sumter, Clarendon, and Lee Counties. The nine members of this Commission will come from this area, and will be appointed by the Governor to four year terms. The Committee is empowered to appoint a non-compensated Educational Advisory Committee consisting of ten to fifteen members. H. 4472 is designed to prevent frivolous inmate litigation by requiring inmates to pay filing fees and court costs in civil actions. Also, an inmate may lose earned work, education, and good-time credits if the courts find, among other things, that the inmate made a claim solely for harassment, presented false evidence, unreasonably delayed a proceeding, or abused discovery in the case. If an inmate has had three cases dismissed for being frivolous, the inmate would be barred from appealing or bringing another civil action.

### recommitted/committed

S. 378 was recommitted to the Transportation Committee. The bill originally provided for special license plates for shriners. However, the House amended the bill to include special license plates for a variety of other groups as well, including Girl Scouts and antique dealers. Another provision included in the bill is similar to H. 4323 which remains in the Senate Transportation Committee. That measure raises the maximum speed limit on interstate highways in South Carolina to seventy miles per hour, and sixty miles per hour on multilane divided highways. State engineers would be permitted to set speed limits higher than fifty-five miles per hour on some state highways. The bill also provides for a forty-five miles per hour speed limit on unpaved roads, and a thirty miles per hour limit in an urban district. In addition, vehicles pulling trailers are required to travel ten miles per hour slower than the posted speed limit. This measure was proposed in response to revocation of national speed limits by the federal government, allowing states to set their own maximum limits. S. 1168 was recommitted to the Labor, Commerce, and Industry Committee. The bill requires that real estate agents take sixteen hours, rather than the current eight hours, of continuing education every two years to remain certified. Four of those hours, rather than the current two, must include instruction on changes in federal and state laws.

### special order

H. 4469 enacts the "South Carolina Effective Death Penalty Act of 1996." The bill limits the appeals process and empowers the governor to set execution dates rather than the state Supreme Court. Deadlines would be set for filing post-conviction death penalty relief appeals. Prosecutors would have thirty days to answer an appeal rather than the current ninety days. Fifteen days later, a status conference would have to be held. A hearing would be scheduled forty-five days after the conference, with a judge's ruling required within thirty days of the hearing.



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### recalled

H. 4557 was recalled from the Finance Committee, and given third reading. The bill enacts stronger control over Bingo operations in the state, while providing that Bingo winnings would not be subject to state withholding taxes. Promoters are limited to five licenses, all the same class. Fees would vary according to the amount of revenue a promoter expected to collect. Also, manufacturers and distributors would be licensed. The bill is estimated to bring in an additional \$7 million dollars annually in taxes if passed. H. 4704 was recalled from the Education Committee, and given second reading. The measure creates the Mid-Carolina Commission for Higher Education to replace the Sumter County Commission for Higher Education. The purpose of this Committee is to encourage establishment of post-secondary courses in Sumter, Clarendon, and Lee Counties. The nine members of this Commission will come from this area, and will be appointed by the Governor to four year terms. The Committee is empowered to appoint a non-compensated Educational Advisory Committee consisting of ten to fifteen members. H. 5027 was recalled from the Labor, Commerce, and Industry Committee. It was read the third time, and enrolled for ratification. This joint resolution approves a regulation of the Department of Labor, Licensing, and Regulation which requires continuing education of professional engineers and land surveyors for license renewal.



## **LEGISLATIVE UPDATE--JUNE 6, 1996**

### **FOOTNOTE**

The Legislative Update is now on-line! Members and staff who are on the network may access documents by pressing "List Files (F5)," THEN TYPING "H:\UPDATE" and pressing "enter." All of the Legislative Updates will be listed by week. Using up/down arrows, choose the Legislative Update which corresponds to the week you need and press "enter."

If you need or prefer to access the Legislative Update through the World Wide Web, visit the South Carolina General Assembly Home Page ([www.lpitr.state.sc.us](http://www.lpitr.state.sc.us)). On the first page, click on the "Quick-Find Guide." Click on "Reports" on the next page. This will list all of the Legislative Updates by week. Then click on the week you need.



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S. 1286	9	H. 3962	16
S. 1286	22	H. 3962	2



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H. 3992 .....	8	H. 4699 .....	25
H. 4012 .....	12	H. 4704 .....	28
H. 4012 .....	22	H. 4704 .....	29
H. 4101 .....	24	H. 4706 .....	26
H. 4277 .....	22	H. 4706 .....	6
H. 4277 .....	12	H. 4706 .....	11
H. 4323 .....	28	H. 4706 .....	20
H. 4338 .....	13	H. 4717 .....	25
H. 4338 .....	22	H. 4755 .....	26
H. 4338 .....	8	H. 4782 .....	9
H. 4344 .....	8	H. 4782 .....	26
H. 4372 .....	13	H. 4789 .....	9
H. 4382 .....	15	H. 4796 .....	6
H. 4431 .....	17	H. 4796 .....	13
H. 4431 .....	5	H. 4796 .....	23
H. 4431 .....	3	H. 4803 .....	20
H. 4431 .....	19	H. 4803 .....	7
H. 4434 .....	10	H. 4825 .....	11
H. 4434 .....	5	H. 4825 .....	27
H. 4434 .....	19	H. 4833 .....	27
H. 4443 .....	25	H. 4834 .....	23
H. 4469 .....	28	H. 4834 .....	13
H. 4469 .....	26	H. 5027 .....	25
H. 4472 .....	28	H. 5027 .....	29
H. 4501 .....	8	H. 5041 .....	11
H. 4501 .....	26	H. 5041 .....	17
H. 4518 .....	26	H. 5041 .....	3
H. 4518 .....	5	H. 5041 .....	20
H. 4518 .....	10	H. 5041 .....	27
H. 4518 .....	19	H. 5041 .....	7
H. 4526 .....	15		
H. 4557 .....	26		
H. 4557 .....	29		
H. 4584 .....	15		
H. 4589 .....	8		
H. 4600 .....	17		
H. 4600 .....	3		
H. 4602 .....	3		
H. 4602 .....	17		
H. 4614 .....	6		
H. 4614 .....	11		
H. 4614 .....	3		
H. 4614 .....	20		
H. 4614 .....	17		
H. 4627 .....	9		
H. 4663 .....	23		